

1 Christian Gabroy
2 Nev. Bar No. 8805
Kaine Messer
3 Nev. Bar No. 14240
GABROY | MESSER
The District at Green Valley Ranch
4 170 South Green Valley Parkway
Suite 280
5 Henderson, Nevada 89012
Tel: (702) 259-7777
6 Fax: (702) 259-7704
christian@gabroy.com
7 kmesser@gabroy.com
Attorneys for Plaintiff

8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 VICTOR AGUIRRE-VILLANUEVA,
11 individually and on behalf of all others
similarly situated;

12 Plaintiff

13 vs.

14 HMB LLC d/b/a and a/k/a SERVEHZA
BOTTLE SHOP AND TAP ROOM;
15 EMPLOYEE(S)/AGENT(S); DOES 1-10;
and ROE CORPORATIONS 11-20,
16 inclusive,

17 Defendants

18 Case No.: 2:23-cv-01001-CDS-VCF

19 **STIPULATION AND ORDER**
TO CONTINUE STAY PENDING
MEDIATION

20 (Second Request)

21 Plaintiff Victor Aguirre-Villanueva (“Plaintiff”) and Defendant HMB LLC d/b/a and a/
k/a Servehzah Bottle Shop and Tap Room (“Defendant”) (together the “Parties”), by
22 and through their respective counsel of record, hereby stipulate and respectfully
request that the Court extend the current stay for twenty-seven (27) days pending
23 completion of the Parties’ rescheduled mediation of January 10, 2024. This is the
24 Parties’ second request to extend the stay.

25 In support of this request, the Parties provide the following information for the
26 Court’s consideration:

27 1. On May 30, 2023, Plaintiff filed his Collective and Class Action

1 Complaint with the Eighth Judicial District Court in and for Clark County, Nevada. See
2 ECF No. 1-1. Thereafter, on June 29, 2023, Defendant removed the action to this
3 Court. See ECF No. 1. Defendant filed its Answer (ECF No. 5) on June 30, 2023.

4 2. Upon the Parties' stipulation, on August 14, 2023, the Court entered an
5 Order to Stay Discovery Pending Mediation, which stayed these proceedings for
6 approximately 90 days (until November 13, 2023) in order for the parties to select an
7 available mediator and complete an agreed-upon mediation. See ECF No. 8

8 3. While the parties have selected a mediator, the Parties have not yet
9 completed mediation. Mediation was scheduled for December 14, 2023 before the
10 Honorable Elizabeth Gonzalez, Retired with Advanced Resolution Management.

11 4. This Court previously extended the stay in this matter through the Parties
12 then-scheduled December 14, 2023 mediation. See ECF No. 11.

13 5. However, the mediation had to be rescheduled to January 10, 2024 due
14 to schedule conflicts.

15 6. The Parties are currently devoting their attention to the mediation and are
16 hopeful they will reach a resolution that will avoid protracted litigation. In order to
17 conserve the Parties' and the Court's resources, to promote judicial economy, and to
18 increase the likelihood of a successful mediation, the Parties have agreed, subject to
19 the Court's approval, to extend the current stay until January 10, 2024, in order for the
20 parties to complete the mediation

21 7. In the event that the Parties are unable to reach a resolution at the
22 mediation, the parties agree to file a joint status report informing the Court of the same.
23 The Parties further agree to file a proposed discovery plan and scheduling order within
24 two weeks of filing the joint status report.

25 ///

26

27

28

